



# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/824,774	04/15/2004	John M. Culbert	MYS-23-01D18	6703

7590 05/18/2005

Kenneth C. Brooks  
Law Office of Kenneth C. Brooks  
P.O. Box 10417  
Austin, TX 78766

EXAMINER

PETKOVSEK, DANIEL J

ART UNIT	PAPER NUMBER
----------	--------------

2874

DATE MAILED: 05/18/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

ESK

### DETAILED ACTION

This office action is in response to the amendment filed April 25, 2005. In accordance originally presented claims 1-20 have been canceled and new claims 21-36 are presented.

#### *Election/Restrictions*

1. Newly submitted claims 21-36 are directed to an invention that is independent or distinct from the invention originally claimed for the following reasons: the subject matter of the new claims 21-36 is related to a system of forming an optical waveguide, this system having a source, sink, 1<sup>st</sup> and 2<sup>nd</sup> supports, a platen, and a stage (classified in 65/483+). The originally claimed invention is distinct since the original invention is related to a method of forming an optical waveguide (classified in 65/387) and an optical waveguide with an integral lens (classified in 385/33).

Since applicant has received an action on the merits for the originally presented invention, this invention has been constructively elected by original presentation for prosecution on the merits. Accordingly, claims 21-36 are withdrawn from consideration as being directed to a non-elected invention. See 37 CFR 1.142(b) and MPEP § 821.03.

2. The reply filed on April 25, 2005, is not fully responsive to the prior Office Action because of the following omissions or matters: the amendment filed on April 25, 2005, canceling all claims drawn to the elected invention and presenting only claims drawn to a non-elected invention is non-responsive, as there are no pending claims. (MPEP § 821.03).

3. Since the above-mentioned reply appears to be *bona fide*, applicant is given **ONE (1) MONTH or THIRTY (30) DAYS** from the mailing date of this notice, whichever is longer,

Art Unit: 2874

within which to supply the omission or correction in order to avoid abandonment.

EXTENSIONS OF THIS TIME PERIOD MAY BE GRANTED UNDER 37 CFR 1.136(a).


*Conclusion*

4. Please see **"Comparison Chart and Forms" (MPEP § 706.07(h) (XIII))**. In particular, see terms under lines 4 and 10 of this chart. It is noted that a CPA must be filed to enter the new claimed invention 21-36, as any different invention cannot be entered after the filing of an RCE.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Daniel J. Petkovsek whose telephone number is (571) 272-2355. The examiner can normally be reached on M-F 8:30-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Rodney Bovernick can be reached on (571) 272-2344. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

  
Daniel Petkovsek  
May 5, 2005

  
AKM ENAYET ULLAH  
PRIMARY EXAMINER